



TO: City Council

FROM: Sue McLaughlin
City Administrator

DATE: September 23, 2011

RE: Liquor ordinance

Reviewed ordinances from:

Carbondale	Centralia	Champaign
Charleston	Decatur	DeKalb
Effingham	Jacksonville	Mahomet
Mt. Vernon	Rantoul	Rockford
Sullivan	Sycamore	Urbana

Issues with current ordinance

- Restricted number
- No adult entertainment provision
- No provisions to allow for growth, new opportunities
- Special events licenses too limited
- Fees low
- Need possible provision for depot

Recommended update

- Increase special events licenses
- Increase number of licenses available; restrict locations
- Increase fees
- Add prohibitions
- Add winetasting provision
- Add depot provision
- Add adult entertainment provision

Item	Current Ordinance		Recommendation	
Special Events	3 days total; 1 per year		3 days maximum; 3 per year; \$100/event	
License	# Current Licenses:		Proposal:	
A: Full license (consumption & packaged)	A : 17		A: 25; \$5,000 initial fee; no more than 10 in specific downtown area	
B-1: Packaged liquor	B-1: 4		B-1: 10; \$5,000 initial fee; no more than 5 in specific downtown area	
B-2: Consumption (hotel/bowling alley)	B-2 : 5		B-2: 10	
C: Private club	C:		C: Same	
D-1: Beer & wine consumption	D-1: 9		D-1: 15	
D-2: Beer & wine packaged (grocery/convenience store only)	D-2: 17		D-2 : 25; \$2,500 initial fee; remove grocery/convenience store requirement	
R: Consumption on premises (restaurant only)	R : Unlimited		R: Unlimited	
T-1: Not for profit special event			RD: Depot (see below)	
			T-1: Same	
T-2: Liquor license special event			T-2: Same	
Fees	A	\$1200	A	\$2000
	B-1	\$1000	B-1	\$1750
	B-2	\$1200	B-2	\$2000
	C	\$500	BY	\$100
	D-1	\$500	C	\$1000
	D-2	\$750	D-1	\$1000
	R	\$1200	D-2	\$1000
	T-1, T-2	\$100/day	R	\$2000
	Caterer	\$500	RD	\$100/event
	Outdoor Café	\$100	T-1, T-2	\$150/day
			Caterer	\$750
			Outdoor Café	\$500

Addtl Fees	Location transfer - \$25 Ownership change - \$25	Sunday sales \$200 extra Bars with pkg - \$200 extra Wine-tasting - \$25/event; 4/year Renewal/upfront Ownership change – new initial fee Premise expansion - \$500 Location transfer - \$500 Renewals – same as above - annually
Prohibited license holders	No provisions for those suggested below	See below
Depot	None	See below
Wine tasting	None	See below
Adult Entertainment	None	See below
Addtl provisions	Change in ownership - \$25, paperwork Prohibited per zoning ord Bond – \$500	Change in ownership = new license Drive up window – see below Zoning – 1000’ Certificate of Insurance – see below

(New)

Adult Entertainment Provision:

The sale or dispensing of alcoholic liquor is prohibited at premises whereat, or at premises which have any access which leads from said premises to any premises whereat, the following acts or conduct is permitted:

- a) The employment or use of any person in the sale or service of alcoholic liquors or for the entertainment or diversion of others while such person is unclothed or in such attire, costume or clothing as to expose to view or to show with less than a fully opaque covering any portion of the breast below the top of the areola or any portion of the pubic hair, anus, buttocks, vulva or genitals.
- b) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law.
- c) The actual or simulated exhibition, displaying, touching or caressing or fondling of or on the breasts, buttocks, anus or genitals.
- d) The permitting or encouragement of any person to remain in or upon said premises who expose to view any portion of the body described in subparagraphs (a), (b) or (c) hereof.
- e) The showing of film, still pictures, electronic reproduction or other visual reproduction depicting the acts or conduct described in sub-section (b) hereof, or any person being

touched, caressed or fondled on the breasts, buttocks, anus or genitals, or scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray the activities described in this sub-paragraph (e).

Obscenity Prohibited

The engaging in, or performance of, any act or conduct described in Section ____ herein on premises as to which a license has been issued under the provisions of this Chapter is prohibited.

(New)

Prohibited License holders

City officials. Any law enforcing public official, any mayor or member of the city council; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor; except that license may be granted to such an official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the state liquor control commission.

Any existing city official currently holding ownership of an establishment with a city liquor license may continue to be involved in the business. No additional such ownership or liquor licenses shall be permitted.

A person who is indebted to the city or other governmental entity for payment of any other fines, fees, charges, bills or taxes, which he or she is obligated to pay but have remained unpaid for more than 45 days.

Any premises listed in subsections _____, or for any other locations where it is determined to be detrimental to the general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood of the city as a whole would be considered detrimental.

Any premises that is a nuisance property.

Any store owner or other place of business when the majority of customers are less than 21 years of age or when the principal business transacted consists of schoolbooks, school supplies, food, lunches or drinks for such customers.

A person who is not of good character and reputation in the community in which he or she resides.

(New)

Depot License

Class RD: A class RD license shall constitute a special and limited license and shall be designated as a liquor permit.

A class RD permit shall authorize the retail sale of alcoholic liquor in the Depot on Broadway, Mattoon, IL. The application for an RD license shall be accompanied by an application and appropriate fee for a depot permit.

A class RD liquor permit shall only be available to governmental, civic or not-for-profit organizations as defined by state statute and/or defined by the United States Revenue Code.

The holder of a class RD permit may not exceed the time and hours established in section _____ of this chapter.

Sufficient evidence of dram shop liability insurance must be provided to the liquor commissioner with the application, in conformance with Section _____.

In all respects, the application must be made pursuant to section _____ of this Code and in all respects the applicants must qualify as any other applicant to the necessary licensing requirements.

The type of permit or license granted under this subsection _____ known and referred to as a class RD license shall be a permissive license and shall entitle the holder to the privilege of selling wine and beer for consumption only pursuant to all Code requirements the same as any other liquor license; however, the holder of this permit, upon acceptance of the permit, specifically waives any and all claims or rights that he may obtain in being granted this special permit, and specifically authorizes the mayor or his/her delegate or the chief of police or his/her delegate to revoke the permit at any time for any reason whatsoever. No reasons would have to be granted to revoke the permit at any time at the absolute discretion of the mayor or his/her delegate or the chief of police or his/her delegate, and upon acceptance of this type of special permit, the holder specifically acknowledges the special privilege of obtaining this type of permit and consents to all requirements, including the requirement of immediate forfeiture without reason.

The liquor commissioner may require such additional requirements and may promulgate such rules and regulations as he or she deems advisable and specific authorization is hereby given to the liquor commissioner to carry out the intent of this subsection and to require the applicant and the permit holder to satisfy all such regulations as he or she deems advisable to protect the public interest and the railroad depot.

A permit issued under this subsection _____ shall be valid notwithstanding any special use permit requirements of the zoning ordinance to the contrary.

The liquor commissioner may refuse to issue a class RD permit to any organization which, while operating under a previous RD permit, violated any ordinance or law or without any regulation regarding use of the railroad depot pursuant to this permit.

(New)

Winetasting/Samples

A winetasting event for the purpose of this section is defined as an event encompassing no more than eight (8) continuous hours at which wine is dispensed in glasses, of not more than one (1) promotional sample, which have a capacity of not more than one (1) ounce each, to any person, for which the license holder makes no charge and receives no monetary consideration. A current licensee may hold a winetasting event not more often than one (1) time in any calendar quarter. The license holder must comply with the then current policy of the Illinois Liquor Control Commission, and the mayor must be notified by the license holder, in writing, five (5) days in advance of the winetasting event, of the time, date and location of the event.

No winetasting/samples permit holder shall deliver more than one (1) single promotional sample to the same person during a twenty-four hour period. A single promotional sample may, at times, include more than one type or version of alcoholic liquor i.e. two different types of wine.

The promotion will remain within the licensed premises as specified in the original license application. The promotion will not conflict with or otherwise violate this or any other ordinance of the City.

(New)

Drive up Window

A. Drive-in windows maintained and operated on premises duly licensed for the sale of alcoholic liquors within the corporate limits of the City shall be adequately lighted during business hours by natural or artificial white light so that all persons or vehicles transacting business at such windows shall be clearly visible. From sunset until closing time, said drive-in windows shall be directly lighted by no less than two (2), 300-watt incandescent lamps or their equivalent, spaced at least eight (8) feet apart, located directly over or near said drive-in window, with light rays so directed as to most effectively light the outside area immediately adjacent to said window. Existing drive-in window liquor sales will be grandfathered in this provision until ownership has changed or the business has been out of operation for more than one (1) calendar year.

B. In order to enforce this section, the City shall have the right to require the filing with it of plans, drawings and photographs showing the lighting as above required. This paragraph shall constitute an additional regulation of premises licensed for the sale of alcoholic liquors.

- C. Only “package sales” are permitted at drive-in windows.
- D. Only a licensee having a package sales license shall maintain and operate a drive-in window at which alcoholic liquors are sold.

(Revised)

Insurance

Evidence of dram shop liability insurance covering the entire period of the license in the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois. The certificate shall insure applicant and owner or lessor of the premises in such amounts as may be required by the Illinois Liquor Control Act, or in an amount of not less than \$1,000,000, whichever amount is greater. The certificate shall be submitted to the local liquor commissioner upon application for or renewal of the liquor license.

(Revised)

Location/Zoning

- A. No licensee shall be issued for the sale of retail of any alcoholic liquor within five hundred (500) feet of any church, school, park, a residential district or nursing home.
- B. This prohibition will not apply to hotels offering restaurant service, regular organized clubs or to restaurants, food shops or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempt shall have been established for such purposes prior to the effective date hereof.

(Revised)

Hours

- A. It shall be unlawful for any licensee to sell or offer for sale at retail, serve, dispense or provide free of charge, any alcoholic liquor in the city between the hours of 1:00 a.m. and 6:00 a.m. of any day except Sunday, when it shall be unlawful to sell or offer for sale, any alcoholic liquor from 1:00 a.m. on Sunday morning until 12:00 noon on the same Sunday.

(New)

Downtown restricted numbers

A maximum of ten (10) Class A and five (5) Class B-1 retail liquor licenses shall be permitted in the area which is described as follows:

Beginning at the intersection of 21st Street and Richmond extending east to the intersection of Richmond and 6th Street, then extending south to the intersection of Charleston and 6th Street, extending west along Charleston to the intersection with 21st Street.

Should any of the ten Class A or five Class B-1 retail liquor licenses referenced in this paragraph become available for issuance due to the death of the licensee; termination of a partnership or corporation, or bankruptcy of a licensee, or due to the revocation of a license or for any other reason, the number of Class A or B-1 retailer's licenses issued or available in the above described area shall be reduced until there are no more than a total of ten (10) Class A or five (5) Class B-1 retailer's licenses issued or available in the above described area. No Class A or Class B-1 retailer's licenses shall be transferred to locations within the above described area which would increase the total number of Class A or Class B-1 retailer's licenses issued or available in that area to a number of in excess of ten (10) or five (5). Nothing in this section shall be construed to prevent a Class A or Class B-1 retailer's license in existence and located within the above described area on the effective date of this section from transferring to another location within the above described area.